



April 4, 2003

---

---

## ENGROSSED HOUSE BILL No. 1148

---

DIGEST OF HB 1148 (Updated April 2, 2003 11:24 AM - DI 52)

**Citations Affected:** IC 14-33.

**Synopsis:** Conservancy districts. Allows the board of a conservancy district that has channel improvements, levees, and water retarding or impoundment structures to adjust the annual cost of maintenance for the district's works of improvement, thus increasing the amount appropriated annually to the district's cumulative maintenance fund.

**Effective:** July 1, 2003.

---

---

### Lytle, Mangus

(SENATE SPONSORS — LEWIS, NUGENT)

---

---

January 7, 2003, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

February 3, 2003, amended, reported — Do Pass.

January 6, 2003, read second time, ordered engrossed. Engrossed.

February 10, 2003, read third time, passed. Yeas 92, nays 4.

#### SENATE ACTION

February 24, 2003, read first time and referred to Committee on Agriculture and Small Business.

April 3, 2003, amended, reported favorably — Do Pass.

---

---

C  
o  
p  
y

EH 1148—LS 6768/DI 77+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1148

---

A BILL FOR AN ACT to amend the Indiana Code concerning  
natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-33-14-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **(a)** The board shall  
3 budget and appropriate annually to the fund an amount equivalent to  
4 ten percent (10%) of the annual cost of maintenance for the works of  
5 improvement as the cost is:  
6 **(1)** stated in the district plan; **or**  
7 **(2) adjusted under section 8 of this chapter.**  
8 **(b)** Money accumulated in the fund may be used for emergency or  
9 unusually expensive maintenance of the works of improvement.  
10 SECTION 2. IC 14-33-14-6 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. **(a)** If an amount  
12 equivalent to two (2) times the annual cost of maintenance of the works  
13 of improvement, as stated in the district plan **or as the cost is adjusted**  
14 **under section 8 of this chapter**, has accumulated in the fund,  
15 appropriations to the fund shall be suspended until the year that the  
16 amount in the fund is not more than equal to the annual cost of  
17 maintenance of the works of improvement as stated in the plan **or the**

EH 1148—LS 6768/DI 77+



C  
o  
p  
y

1 **adjusted annual cost.**

2 **(b)** The money **in the fund** may be invested and reinvested in whole  
3 or in part in accordance with IC 5-13-9.

4 SECTION 3. IC 14-33-14-8 IS ADDED TO THE INDIANA CODE  
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
6 1, 2003]: **Sec. 8. (a)** As used in this section, "cost index source"  
7 refers to the Engineering News Record Construction Cost Index,  
8 as published by McGraw Hill Construction or its successor.

9 **(b)** Before January 1, 2006, the board of a district may elect to  
10 adjust the annual cost of maintenance of the works of improvement  
11 as stated in the plan, as calculated in subsection (d), if the following  
12 conditions are met:

13 **(1)** The board has at a meeting adopted a resolution that sets  
14 forth:

15 **(A)** the annual cost of maintenance of the works of  
16 improvement as stated in the plan, and the year when the  
17 annual cost was stated in the plan; and

18 **(B)** the new, adjusted annual cost of maintenance of the  
19 works of improvement.

20 **(2)** The calculation under subsection (d) has been verified by  
21 either the state conservation engineer for the Natural  
22 Resources Conservation Service of the United States  
23 Department of Agriculture or a professional engineer licensed  
24 under IC 25-31-1.

25 **(3)** The board has provided a copy of the resolution to the  
26 department of local government finance (established by  
27 IC 6-1.1-30-1.1) within sixty (60) days of adoption.

28 **(c)** If the board of a district adopts a resolution under section  
29 **(b)(1)**, a copy of the resolution must be included in the district's  
30 annual report, and a copy of the annual report must be provided  
31 to the local circuit court and the department of natural resources.

32 **(d)** The annual cost of maintenance of the works of  
33 improvement as stated in the plan of a district may be adjusted to  
34 an amount not to exceed the amount determined as follows:

35 **STEP ONE:** Determine the cost index from the cost index  
36 source for the most recent year.

37 **STEP TWO:** Determine the cost index from the cost index  
38 source for the year that the annual cost of maintenance of the  
39 works of improvement was stated in the plan.

40 **STEP THREE:** Divide the number determined in STEP ONE  
41 by the number determined in STEP TWO.

42 **STEP FOUR:** Multiply the result of STEP THREE by the

C  
o  
p  
y



- 1        **annual cost of maintenance of the works of improvement that**  
2        **is stated in the plan.**

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 1. IC 14-33-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **(a)** The board shall budget and appropriate annually to the fund an amount equivalent to ten percent (10%) of the annual cost of maintenance for the works of improvement as the cost is:

**(1)** stated in the district plan; **or**

**(2) adjusted under section 8 of this chapter.**

**(b)** Money accumulated in the fund may be used for emergency or unusually expensive maintenance of the works of improvement."

Page 2, line 19, after "by" insert "**either**".

Page 2, line 20, delete "National" and insert "**Natural**".

Page 2, line 22, delete "." and insert "**or a professional engineer licensed under IC 25-31-1.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1148 as introduced.)

BISCHOFF, Chair

Committee Vote: yeas 13, nays 0.

C  
O  
P  
Y



SENATE MOTION

Mr. President: I move that Senator Nugent be added as a second sponsor of Engrossed House Bill 1148.

LEWIS

C  
o  
p  
y



## COMMITTEE REPORT

Mr. President: The Senate Committee on Agriculture and Small Business, to which was referred House Bill No. 1148, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 22, delete "State" and insert "**States**".

and when so amended that said bill do pass.

(Reference is to HB 1148 as printed February 4, 2003.)

NUGENT, Chairperson

Committee Vote: Yeas 8, Nays 0.

C  
o  
p  
y

